

**Notice of Allowability**

Application No.

10/047,586

Examiner

Ghassem Alie

Applicant(s)

SUER ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/22/07 and an interview conducted on 04/04/07.
2. ☒ The allowed claim(s) is/are 13 and 14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 04/04/07
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a communication with Laurence C. Begin (Reg. No. 42,310) on 04/04/07. The application has been amended as follows:

In the abstract:

Lines 4-5, "thereby cutting a food product biased against the blades 32." has been changed to --thereby cutting a food product biased against the blades 32 into a plurality of portions.--.

In the claims:

In claim 13, line 9, "said blades for slicing thereof." has been changed to --said blades for slicing thereof; and at least one hole extending through said food receptacle and at least one corresponding prong extending through said at least one hole for holding said food product.--.

Claims 7, 11, 12, and 15 have been cancelled.

### *Reasons for Allowance*

2. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach at least one hole extending through said food receptacle and at least one corresponding prong extending through said at least one hole for holding said food product, as set forth in claim 13. The prior art also fails to teach the steps

of inserting an elongated food item to be sliced in the receptacle and slidably engaging the receptacle along an outer circumference of the hollow body, as set forth in claim 14.

Regarding claims 13 and 14, Stevens (2,479,982) teaches an elongated hollow body for supporting an elongated product. Stevens also teaches that the elongated hollow body having an inner wall and an outer wall forming an interior, a diameter, and a length greater than the diameter. Stevens also teaches a plurality of blades fixed within the interior and extending across the interior thereby for preventing the movement of the plurality of blades. Stevens also teaches a receptacle for slidably pushing the food towards the blades. However, Stevens does not teach that the receptacle slidably engages along the outer wall of the elongated hollow body and has at least a hole corresponding to a prong for holding the food item as set forth in claim 13. Stevens also does not teach the steps of inserting the elongated food item into the receptacle and slidably engaging the receptacle along an outer circumference of the elongated hollow body support the elongated food item, as set forth in claim 14.

Gagliardi, Jr. (5,771,771), hereinafter Gagliardi, teaches an elongated hollow body for supporting an elongated product. Gagliardi also teaches that the elongated hollow body having an inner wall and an outer wall forming an interior, a diameter, and a length greater than the diameter. Gagliardi also teaches a plurality of blades fixed within the interior and extending across the interior of a cutter or a food receptacle. Gagliardi does not teach that the blades are fixed to the elongated hollow body and the receptacle slidably pushes the food towards the blades. However, reversal of parts in Gagliardi's slicing machine, in view of Stevens, provides the elongated hollow body with the fixed blades and the receptacle for

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holding the food item. However, Gagliardi's slicing device, as modified, does not teach at least one hole extending through said food receptacle and at least one corresponding prong extending through said at least one hole for holding said food product, as set forth in claim 13. Gagliardi's slicing device, as modified, also does not teach the steps of inserting an elongated food item to be sliced in the receptacle and slidably engaging the receptacle along an outer circumference of the hollow body, as set forth in claim 14.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claims 13 and 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eder (1,405,401), Jones (4,436,025), Ezaki (4,072,075), Bell, Jr. (4,580,343), Marasco (2,645,262), Acheson (3,786,564), Wipp (3,128,810), Muro (5,363,756), D'Ambro et al. (4,569,280), and Langley (2,509,190) teach a food slicer having an elongated hollow body and a plurality of blades fixed to the food slicer.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA/ga

April 3, 2007

  
**BOYER D. ASHLEY**  
**SUPERVISORY PATENT EXAMINER**